UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,468	03/01/2004	Richard Konig	HMM-002-1	9964

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EXAMINER
SAINT CYR, JEAN D

ART UNIT	PAPER NUMBER
2425	

MAIL DATE	DELIVERY MODE
12/23/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _30 September 2008_.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-3 and 25-28_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-3 and 25-28_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _01 March 2004_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114.

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 09/30/2008 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan et al in view of Brandt et al, US No. 6646655.

Re claim 1, Logan et al disclose receiving an input video signal (a receiver for receiving broadcast programming signal, col.2, lines 33-34; see fig.1, element 12);

comparing (compare the topic data signals stored in database 60 with the topic codes provided by the marking signal, col.17, lines 9-12) a first segment of the input video signal captured by the sliding window of initial length L to a portion of stored fingerprint data (a fingerprint for uniquely identifying a known program sequence, col.20, lines 54-62);

comparing (user would match the marking signals received from the first communication system against the buffered broadcast program content in order to modify the program, col.2, line 41-44) an expanded segment of the input video signal captured by the expanded window having the expanded length equal to with the stored fingerprint data (segment filter 64 compares characteristics of the segments to the segment identification signals to identify a known segment and delete it or edit it accordingly, col.17, lines 46-48); and

generating an output video signal comprising the input video signal, wherein-with the expanded segment of the input video signal is replaced with a replacement portion (the splicing processor 104 can operate responsive to a marking signal to generate a composite proprietary program signal that removes an indicated program segment, such as a sequence of commercials, and replaces it with a video signal, such as a screen saver image, stored within the local database 108, col.20, lines 3-8)if the expanded segment of the input video signal matches the fingerprint data(match received signal against buffered broadcast program, col.2, lines 41-44).

But Logan et al did not explicitly disclose creating a sliding window of initial length L and running the sliding window over at least a portion of the input video signal;

expanding the sliding window of initial approximate to have an expanded length approximately equal to the length of the stored fingerprint data if the first segment of the input video signal matches the portion of stored fingerprint data.

However, Brandt et al disclose creating a sliding window of initial length L and running the sliding window over at least a portion of the input video signal(see fig.13; viewer is provided with slides, col.3, lines 21-39);

expanding the sliding window of initial approximate to have an expanded length approximately equal to the length of the stored fingerprint data if the first segment of the

input video signal matches the portion of stored fingerprint data (zoom to match the sisze,col.17, lines 36-47).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to combine the invention of Logan with the invention of Brandt for the benefit of allowing the system to display simultaneously a sliding window over the video signal.

Re claim 2, Logan et al disclose automatically receiving fingerprint data (data or fingerprint, col.12, line 49) of segments to be identified via a computer communications network (see fig.1, element 38, communication system; a computer network interface, or any other type of receiver capable of receiving a signal, col.8, lines 30-32); and storing the fingerprint data (the system can include a database memory that stores a segment identification signal, col.4, lines 61-65).

Re claim 3, Logan et al disclose wherein the fingerprint data (fingerprint, col.12, line 49) is transmitted (transmit the marking signal in approximately real time, col.18, lines 62-63) periodically (see fig.1, element 28, time stamp; a clock element that generates at time spaced intervals a time stamp signal that represents a computer periodic time reference, col.9, lines 7-11).

Re claim 25, Logan et al disclose wherein the replacement portion comprises at least one advertisement deleting the commercial sequence (deleting the commercial sequence, col.11, lines 15-28).

Re claim 26, Logan et al disclose wherein the replacement portion is selected based at least in part on the geographic location (time zones, col.12, col.12, lines 10-41).

Re claim 27, Logan et al disclose wherein the selection of a replacement portion is

based at least in part on the received input video signal (the splicing processor 104 can operate responsive to a marking signal to generate a composite proprietary program signal that removes an indicated program segment, such as a sequence of commercials, and replaces it with a video signal, col.20, lines 3-6).

Re claim 28, Logan et al disclose storing characteristics of the fingerprint data prior to the comparison of the first segment of input video signal to the portion of stored fingerprint data(see fig.5, data memory; stores a segment identification signal that represents characteristic information of a pre-defined program segment, Col.20, lines 50-56);

storing characteristics of potential replacement portions prior to the comparison of the first segment of input video signal to the portion of stored fingerprint data(replacing data stored in the data memory 112 with alternate data,col.20, lines 31-48); and

selecting the replacement portion based at least in part on comparing the characteristics of the stored fingerprint data and the characteristics of the potential replacement portions(The segment filter 64 compares characteristics of the segments to the segment identification signals to identify a known segment and delete it or edit it accordingly, col.17, lines 45-48).

Response to Arguments

Applicant's arguments with respect to claims 1-3, 25-28 have been considered but are moot in of the new ground(s) of rejection. The amendment to the claims necessitated the new ground(s) of rejection discussed above. This office action is non-final.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean Duclos Saintcyr whose phone number is 571-270-3224. The examiner can normally reach on M-F 7:30-5:00 PM EST.If attempts to reach

the examiner by telephone are not successful, his supervisor, Brian Pendleton, can be reach on 571-272-7527. The fax number for the organization where the application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see htpp://pair-direct.uspto.gov. Should you have questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197(toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, dial 800-786-9199(IN USA OR CANADA) or 571-272-1000.

Jean Duclos Saintcyr

/Brian T. Pendleton/
Supervisory Patent Examiner, Art Unit 2425